

Pesticide General Permit Renewal Timeline and Process COG860000

The Colorado Department of Public Health and Environment, Water Quality Control Division (the Division) has a [Standard Operating Procedure](#) for permit process participation opportunities. The written SOP was created because procedures implemented by the Division for participation in the permit process have varied over time. The Division determined that it would be appropriate to have a documented SOP so that participation opportunities would be implemented in a consistent manner across permit actions and to increase transparency and understanding with external stakeholders.

Consistent with the SOP, development of a draft permit consists of many steps. In the case of the PGP, the division contacted permittees to alert them that work would begin on the renewal permit and developed a timeline specific to this permit.

Early in the permit drafting process the Division initiates dialogue with permittee(s). The goal of early dialogue is to obtain updated and/or supplemental information as well as to determine what issues are proving most onerous and mutually trying to find solutions to those issues while adhering to Federal and State regulatory requirements. PGPs in Colorado and nationally, contain practice-based effluent limitations and requirements as opposed to numeric effluent limitations contained in other types of Clean Water Act permits. This difference makes the PGP more challenging in some ways, to develop and the Division believes it is crucial have significant engagement with stakeholders. For this reason, the Division has facilitated three stakeholder meetings focused on dialogue with current permittees prior to developing a draft permit for public notice. This extended process was developed with the purpose providing stakeholders a direct avenue of communication with the division so that they may provide their unique viewpoints. Equally, it provides the division an opportunity to communicate to stakeholders, crucial information that they may need for future compliance. Together, the process is designed to incite discussion which may provide the basis for substantive changes in the renewal permit.

Below is a more detailed review of the projected timeline. This timeline will be reviewed and may be adjusted as progress on the permit continues. Any changes will be communicated with stakeholders.

***PGP Renewal Information can be found on the Division's web page under the tab: "PGP Permit Renewal Information" on the following web page:**

<http://www.colorado.gov/cs/Satellite/CDPHE-WQ/CBON/1251614833269>

COG860000 Permit Renewal Timeline

Pre-Permit Drafting: This phase of the permit renewal is used to gather information from stakeholders in order to develop a draft permit and to solicit constructive feedback on permit concepts and approaches with the goal of having draft permit decisions be as sound and robust as possible.

- In drafting a new permit, the Division evaluates the current permit against information from previous oversight activities, information submitted to the division and other relevant information such as published studies, EPA guidance and other permits related to similar sources. This evaluation provides information for possible permit revisions and serves to clarify potential concepts.
- **August 2013 – December 2013: Stakeholder meetings**
 - ✓ **COMPLETED:** The Division held 3 stakeholder meetings focused on dialogue with PGP permittees. These meetings were meant to provide stakeholders a forum in which to articulate PGP issues to the division. The desired outcome of these meetings was that the division would then have a compilation of issues that could be addressed in the renewal permit that could be evaluated for compliance with both state and federal regulations but still provide region-specific flexibility. Meeting minutes are posted on the Division's web page. *
Meeting dates: 10/8/13, 11/12/13, 12/12/13
 - ✓ **COMPLETED:** Attended meetings and had extensive communication with permittees (individually and in small groups) as requested by permittees to discuss areas of substantive change and obtain input.

Development of DRAFT Permit

- **January 2014 – March/April 2014**
- The Division develops the draft permit and associated permit fact sheet for public notice and comment. The Division may contact stakeholders during this period to obtain clarifying information on previously submitted input or to obtain additional technical information needed to develop the draft permit documents.
- If timing allows, the Division will send copies of the draft permit and fact sheet to permittees for a "jump start" on review. Note: this is not an opportunity or solicitation for comments prior to the start of the public notice process.

Public Comment on DRAFT Permit

- **Public Notice**
 - **March/April 2014 – Public Notice Permit and Fact Sheet:** The draft permit documents will be officially public noticed in accordance with The Colorado Discharge Permit System Regulation, 5 CCR 1000-61. The Division anticipates a 60-day public notice timeframe (which includes a 30-day extension). The draft permit documents will be public noticed in the Denver Post and the Water Quality Bulletin, posted on the Division's web page, and the draft permit documents will be provided to the Permittee's legal contact. A summary of the content of the public notice, in accordance with Regulation 61.5(2), includes:

- The proposed effluent limitations, which include the restriction or prohibition established on quantities, rates, and concentrations of constituents which are discharged into state waters. The proposed effluent limits in this case will be narrative, or practice based, and will be the proposed requirements for best management practices to control or abate the discharge of pollutants.
- A fact sheet that sets forth the basis for the effluent limits, including a finding that compliance with the effluent limits will result in controls on the pollutant of concern which are sufficient to comply with regulatory requirements, including protection of water quality standards.
- Any proposed schedules of compliance, including interim dates and requirements
- All proposed monitoring requirements
- All other proposed terms and conditions, including reporting, record keeping, etc.
- **April/May or May/June 2013 – Submittal of Public Comment** (based on anticipated 60-day public notice): All Interested persons may submit written comments to the Division on the draft permit. **This is the key opportunity for all stakeholders to review the draft permit and provide detailed comments.** The Division requests that stakeholders identify specific concerns with conditions in the permit. Stakeholders may also provide recommendations for alternative permit conditions. Stakeholders may also provide new information that has not already been part of the permit record that should be considered in permit development. However the Division encourages stakeholders to provide that information in the pre-public notice phase of permit development to the extent possible, to facilitate development of as robust a draft permit as possible.

Development of Final Permit

Review, Evaluate, and Respond to Comments: Approximately August/September 2014.

- Division reviews and compiles comments
 - The Division may contact entities who provided comments to obtain electronic copies, to facilitate grouping and organizing comments. The Division may also contact entities for clarification to understand major issues
- Division drafts responses to comments and identifies changes to permit documents
 - Contact parties as necessary to discuss resolution of the issues, associated changes to permit documents, and changes needed to the permit application or record to document agreement.
- Provide draft responses to entities that provided comment
 - For complex permits with substantive comments, the Division provides draft responses to those entities that provided comment in advance of permit issuance. This is done for three primary reasons: to be sure all the comments were in fact received and properly understood; to eliminate surprises for those who have contributed significantly to the permit development process; and to hear back from entities regarding the extent to which the response is understood.

- Develop final permit requirements and rationale.
 - The final permit documentations will include the same information that was included in the draft permit documents that were public noticed, including effluent limitations (including best management practices), a rationale with the basis for the effluent limits, schedules of compliance, monitoring requirements, and other terms and conditions. The final response to comments document is also included in the final permit documents as a part of the permit fact sheet record.
- **Issue Permit:** September/October 2014 (barring complications)
 - The Final Permit, Rationale and Response to Comments are Issued.
 - **Allow 30 Days for Appeal**
 - Regulation 61.7 includes the process for any person affected or aggrieved by the Division's final permit issuance to demand an adjudicatory hearing within thirty (30) days of the issuance of the final permit determination.
 - Regulation 61.7(1) includes a process for a stay of permit conditions.
- **Permit Effective:** January 2015 (barring complications)
 - Permit becomes effective a minimum of 30 days after the date of issuance. For master general permits in particular, the Division may include an additional time period between the permit issuance date and the permit effective date to allow permittees more time to fully understand and prepare to implement permit changes.
 - Note that the permit may include schedules for compliance for some new permit conditions to allow for a period for permittees to make necessary changes to comply with those conditions.